

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DEWEY R. BOZELLA,

Plaintiff,

v.

THE COUNTY OF DUTCHESS,

Defendant.  
-----X

**10 CIV 4917 (CS)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed Memoranda of Law, and all papers, pleadings and proceedings had herein, Defendant the County of Dutchess ("County"), by and through their undersigned counsel, will move this Court, located at 300 Quarropas Street, White Plains, New York on the 17th of December, 2014, or as soon thereafter as counsel may be heard, for Orders *in limine* as follows:

1. for a Juror Questionnaire;
2. precluding testimony of Plaintiff's expert witness Bennett L. Gershman;
3. combined motions in limine to preclude Plaintiff from referencing inadmissible evidence;
4. for Trifurcation;
5. precluding Plaintiff and other damage witnesses from testifying until the final phase of trial;
6. precluding Plaintiff from offering evidence of criminal cases tried by the Dutchess County District Attorney's Office after Plaintiff's 1990 conviction in support of his *Monell* claim;
7. precluding as inadmissible hearsay - the Holland Tape, the Dobler Report, and the Neighbors' Statements;
8. precluding as inadmissible hearsay - the email purportedly from Wayne Moseley to Ross Firszenbaum, dated April 23, 2012;
9. precluding as inadmissible hearsay - the deposition testimony of Edward F. Whitesell

regarding a purported conversation between Whitesell and Wayne Moseley;

10. precluding Plaintiff from offering evidence of, and arguing any negative inferences from, the disposal of the physical evidence by the City of Poughkeepsie Police Department in the Crapser murder case;
11. precluding as inadmissible hearsay - all testimony of John B. Garrity related to what he alleges that Theodore Alston stated to him;
12. precluding as inadmissible hearsay - all testimony of John B. Garrity related to the depraved indifference case.

Dated: December 10, 2014  
Goshen, New York

/s/ Michael K. Burke  
Michael K. Burke (7554)  
Burke, Miele & Golden, LLP  
*Attorneys for Defendant*  
40 Matthews Street, Suite 209  
Post Office Box 216  
Goshen, New York 10924  
(845) 294-4080

To: Wilmer Hale  
*Attorneys for Plaintiff*  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
P: (212) 295-6323  
F: (212) 230-8888